

REMARKS

The Examiner has withdrawn most of the ejections previously applied. Enclosed herewith is a signed Terminal Disclaimer directed to U.S. Patent 6,828,044.

The Examiner has continued his obviousness rejection on the basis that certain of the references cited were cited through paragraphs other than 35 USC 102 (e), (f) or (g) and so are not subject to the common ownership exception of 35 USC 103(c). The Examiner has not recited the specific paragraph of Section 102 that he believes is relevant for each reference. However, it is presumed that he relies on Section (a) because of invention by another with a publication date preceding the filing date of this application (March 24, 2004). A review of the references indicates that some were not published prior to Applicants filing date. They are US 6,828,044 (Pub. 4/29/04); Pub No. 2005/0058853 (Pub. 3/17/05); Pub. No. 2005/0181232 (Pub. 8/18/05); and Pub No. 2005/0208329 (Pub. 9/22/05). None of these was published prior to March 24, 2004 so it is not seen how they are prior art.

The enclosed Declaration under Rule 131 of co-inventor Conley establishes that the present invention was conceived of prior to September 2003. This antedates US 6,661,023 (Pub. 10/30/03); US 6,670,053 (Pub. 9/25/03), and Pub. 2004/001969 (Pub. 1/1/04).

Applicants hereby request that the previously non-elected and withdrawn species be rejoined for allowance.

It is believed that the outstanding rejections are now overcome. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and to pass the subject application to Allowance.

Respectfully submitted,



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